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C O N F I D E N T I A L HANOI 001363

SENSITIVE
SIPDIS

DEPARTMENT FOR L, IO/UNP, NEA/IPA, AND EAP/MLS

E.O. 12958: DECL: 12/16/2018
TAGS: [UNSC](#) [PREL](#) [PHUM](#) [PHSA](#) [EWWT](#) [KCRM](#) [SO](#) [XA](#) [XW](#) [VM](#)
SUBJECT: VIETNAM UNDECIDED ON SOMALI PIRACY RESOLUTION,
DETAILS CONCERNS

REF: HANOI 1359

Classified By: Ambassador Michael Michalak. Reasons 1.4 (b/d)

¶1. (C) While not completely satisfied with the current UNSC Resolution on Somali Piracy, Vietnam acknowledges that the version currently "in blue" goes some way to address Vietnam's concerns. In a follow-up to the Ambassador's December 15 conversation with VFM Pham Binh Minh (reftel), in which the Ambassador strongly urged Vietnam to support the resolution, MFA IO official To Anh Tuan Tuan told Deputy PolCouns that Vietnam would "not oppose" the resolution, provided Somalia and a majority of UNSC members also expressed support. Asked specifically if this meant that Vietnam would likely abstain, Tuan stressed that a final decision had not been made, but that his government now viewed the resolution "more positively" than before. Tuan emphasized several times that Vietnam strongly supports international cooperation in the fight against piracy.

¶2. (C) Explaining Vietnam's reservations, Tuan insisted, first, that the Somali case was unique and should not be seen as a precedent. Second and more broadly, Tuan said that Vietnam was concerned about the "legal framework" of the resolution, noting that the final paragraph of the preamble, as in previous resolutions, was careful to note that incidents of piracy "exacerbate" the situation in Somalia, which continues to constitute a threat to international peace and security in the region. Tuan said that Vietnam's view was that it was the overall situation in Somalia that constitutes the threat, not the piracy itself. For that reason, Vietnam was concerned that the authorities given in this resolution were too expansive.

¶3. (C) Finally, Tuan reported that Vietnam considers there to be an important distinction between the "status" of interventions on land and on sea, and for that reason wanted a reference to "international law" inserted in operative paragraph six (formerly OP4). Asked to clarify, Tuan insisted that interventions on land involve sensitive issues of "national sovereignty" and therefore any actions taken under the resolution should be "consistent with international law." DPOLCouns emphasized that such concerns should be assuaged by language explicitly acknowledging the primary role of the Transitional Federal Government (TFG), which would provide advance notification to the Security Council of which states and regional organizations were authorized to take action. Tuan conceded that changes to OP6 "to some extent" meet Vietnam's concerns, noting in particular language stressing the central role of the TFG and the need to cooperate with it, as well as changes that refer to "applicable international humanitarian and human rights law." Moving away from the more technical discussion, DPOLCouns

emphasized the larger political context of the resolution, emphasizing that this was a measure that is urgently needed, as the Secretary would make plain when she speaks at the UN December 16.

¶4. (C) Embassy made repeated efforts to contact VFM Minh again, but was unable to arrange a conversation. We stand ready to pursue this further, as necessary, following the December 16 Ministerial.

MICHALAK